

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

May 7, 1990

H. W. Krueger
The Proctor & Gamble Company
Winton Hill Technical Center
6100 Center Hill Road
Cincinnati, OH 45224-1788

Dear Mr. Krueger;

Thank you for your letter of March 7, regarding absorbent incontinence products manufactured by The Proctor and Gamble Company. In your letter you requested information on which states are participating in the demonstration program and the regulatory status of wastes generated in a health-care setting, which are used to treat incontinency.

The Standards for the Tracking and Management of Medical Waste are effective in five states; New York, New Jersey, Rhode Island, Connecticut, and Puerto Rico. While these states have adopted the Part 259 regulations several have promulgated additional state specific regulations. States not participating in the demonstration program may have regulations on medical wastes which are state specific. For additional information on state regulations please contact the agency, within the state of interest, as to the status of medical waste regulations.

The Part 259 regulations define medical waste as “solid waste generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing or biologicals.” Regulated medical waste (RMW) is a subset of the medical wastestream. The classes of RMW and a description of each class are listed in Section 259.30(a).

Items used in the treatment of incontinency are not specifically listed in any of the classes, however, these items would be regulated in specific situations. For instance, these items would be regulated when they are used in treatment and:

1. The item is saturated and/or dripping with human blood;
2. The item has been saturated and/or dripping with blood but it is now caked with dried human blood;

3. The item is saturated and/or dripping with certain body fluids as defined in Section 259.10(b). Semen and vaginal secretions are included in this definition; or
4. The item is contaminated with blood, excretions, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases.

If you need further information, or have additional questions please contact Mary Greene at 202-475-7736.

Sincerely,

Devereaux Barnes
Characterization and Assessment

cc: Austine Frawley, Reg. I
George Meyers, Reg. II

THE PROCTER & GAMBLE COMPANY

March 7, 1990

MB. Michaelle D. Wilson
Chief - Special Projects Section
Environmental Protection Agency
401 M Street, S.W.
Mail Code OS-330
Washington, DC 20460

Dear Ms. Wilson:

Subject: EPA Written Confirmation: Absorbent Incontinence Products are Not "Medical Waste".

This follows-up my conversation with you this morning and provides this written request letter as you suggested.

On the phone, I requested a written confirmation from your office of EPA's position regarding the exclusion of Disposable Diapers from the "Medical Waste" classification. Your office has provided the position stated below in prior meetings with industry representatives and to me over the phone.

Basically, the position your office has provided, which we would like confirmed in writing is as follows:

- (1) EPA does not consider absorbent incontinence products (pads, briefs, underpads, diapers, etc.) to be "medical waste" under the demonstration program, established by Congress under the Medical Waste Tracking Act of 1988. Instead, these products are considered to be part of a household waste or patient care activities and, therefore, are not subject to these regulations. The only exception in the area of patient care would be those infrequent instances in which blood is present in the patient's waste or in which the patient is infected with a highly communicable disease, and is in isolation.
- (2) The geographic coverage of the demonstration program includes New York, New Jersey, Connecticut, Rhode Island and Puerto Rico. Although EPA medical waste tracking regulations may be used as models in other states, the states themselves currently set the rules in this area, not EPA.

It is important and will be very helpful to have a written opinion from EPA on this matter. Confusion exists in the medical care community and certain haulers have chosen to continue suggesting “medical waste” classification for diapers in order to obtain higher hauling fees. We must collectively work to be sure that any unnecessary costs for medical waste handling are avoided where appropriate to help contain medical care costs in this country.

A representative from our Company is speaking at the annual convention of The American College of Health Care Administrators in Canada in about one month and has been asked to address and clarify this issue. Your letter would be very helpful for all concerned.

Thank you for your prompt attention to this matter. Your cooperative spirit and support is recognized and appreciated.

Yours truly,

H. W. Krueger
The Procter & Gamble Company
Manager, Regulatory Affairs
Paper Division

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